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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WHIPKEY, JASON T

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,208

Applicant(s)

FISHER ET AL.

Examiner

Jason T. Whipkey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 13 and ____ are objected to because of the following informalities:
 - In claim 13 on line 3, “an image parameters” is unclear.
 - In claim 15 on line 2, “the firs image” appears to be a typographical error.

Appropriate correction is required.

2. The application includes a claim 32 but no claim 31. In this and all following Office actions, claim 32 will be referred to as claim 31.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 31 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As written, the preamble does not define any structural and functional interrelationships between the computer-executable instructions and other claimed elements of a computer that permit the computer program's functionality to be realized.

An example of an acceptable preamble is, "A computer-readable medium encoded with computer executable instructions for performing a method comprising ...".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7, 9, 10, 12-17, 19-22, 24-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota (U.S. Patent No. 6,437,797).

Regarding **claims 1 and 13**, Ota discloses a method comprising:

capturing an image (see column 3, lines 8-10) with a device (digital camera 12 in Figure 1; see column 3, line 5);

detecting an image parameter (the location and time of image capture; see column 3, lines 13-27) related to the image;

storing the image parameter such that the image parameter is available for access at a later time (data is stored on solid state floppy disk card 16; see column 3, lines 28-30); and

displaying the image in a display location based on the image parameter (images are displayed on a map with their capture time; see column 3, lines 41-46).

Regarding **claim 2**, Ota discloses:

the device is a camera (see column 3, line 5).

Regarding **claim 3**, Ota discloses:

storing the image (see column 3, lines 28-30).

Regarding **claim 4**, Ota discloses:

detecting a location of the device when the image is captured (see column 3, lines 13-27).

Regarding **claim 5**, Ota discloses:

detecting related images based on the location of the device (an album can be produced by grouping a plurality of captured images according to location; see column 7, lines 34-41).

Regarding **claim 6**, Ota discloses:

the detecting related images further comprises comparing a first location of the device corresponding to a first image and a second location of the device corresponding to a second image (an album can be produced by grouping a plurality of captured images according to location; see column 7, lines 34-41).

Regarding **claim 7**, Ota discloses:

the image is a photograph (images are captured by a digital camera 12 [see column 3, lines 1-12] and are therefore photographs).

Regarding **claim 9**, Ota discloses:

the image parameter is a horizontal orientation of the image (the GPS data captured includes longitude; see column 3, lines 18-21).

Regarding **claim 10**, Ota discloses:

the image parameter is a vertical orientation of the image (the GPS data captured includes latitude; see column 3, lines 18-21).

Regarding **claim 12**, Ota discloses:

the image parameter is a location of the image relative to the device (see column 3, lines 13-27).

Regarding **claim 14**, Ota discloses a method comprising:

detecting a first image and a second image (digital camera 12 in Figure 1 captures images; see column 3, lines 8-10);

detecting a first image parameter and a second image parameter (the location and time of image capture of each of the images; see column 3, lines 13-27) corresponding with the first image and the second image respectively;

displaying the first image in a first display location based on the first image parameter (images are displayed on a screen; see column 3, lines 41-46);
and

displaying the second image in a second display location based on the second image parameter (images are displayed on different part of the screen; see column 3, lines 41-46).

Regarding **claim 15**, Ota discloses:

storing the first image parameter and the second image parameter such that the first image parameter and the second image parameter are available for access at a later time (data is stored on solid state floppy disk card 16; see column 3, lines 28-30).

Regarding **claim 16**, Ota discloses:

capturing the first image (see column 3, lines 8-10).

Regarding **claim 17**, Ota discloses:

capturing the first image parameter (see column 3, lines 8-10).

Regarding **claim 19**, Ota discloses:

wherein the first display location and the second display location is shown on a display device (images are displayed on a map with their capture time; see column 3, lines 41-46).

Regarding **claim 20**, Ota discloses:

wherein the first display location and the second display are embodied on a tangible medium (an album of images is printed; see column 3, lines 51-56).

Regarding **claim 21**, Ota discloses:

the first image parameter is a horizontal orientation of the image (the GPS data captured includes longitude; see column 3, lines 18-21).

Regarding **claim 22**, Ota discloses:

the first image parameter is a vertical orientation of the image (the GPS data captured includes latitude; see column 3, lines 18-21).

Regarding **claim 24**, Ota discloses:

selecting the first image and the second image based on a first device location and a second device location corresponding to the first image and the second image, respectively (an album can be produced by grouping a plurality of captured images according to location; see column 7, lines 34-41).

Regarding **claim 25**, Ota discloses a system (see Figure 1), comprising:

a location module (GPS receiver 14) for capturing an image parameter (the location and time of image capture; see column 3, lines 13-27) that describes an image;

a storage module configured for storing the image parameter (data is stored on solid state floppy disk card 16; see column 3, lines 28-30); and

a render module configured for displaying the image in a particular location based on the image parameter (images are displayed on a map with their capture time; see column 3, lines 41-46).

Regarding **claim 26**, Ota discloses:

a capture module (digital camera 12) configured to record the image (see column 3, lines 8-10).

Regarding **claim 27**, Ota discloses:

the image includes one of a photograph (images are captured by a digital camera 12 [see column 3, lines 1-12] and are therefore photographs) and a frame within a video sequence.

Regarding **claim 28**, Ota discloses:

the location module detects a location of a device while the image is captured (the location and time of image capture are recorded with the image; see column 3, lines 13-27).

Regarding **claim 29**, Ota discloses:

the storage module is configured to store a record including the image parameter wherein record corresponds to the image (the location and time of image capture are recorded with the image; see column 3, lines 13-27).

Claim 31 can be treated like claim 14. Additionally, Ota discloses that the process is performed by running computer-executable instructions (see column 4, lines 28-31) stored on a computer-readable medium (the instructions are inherently stored in some form).

7. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Squibbs (U.S. Patent Application Publication No. 2001/0015759).

Regarding **claim 1**, Squibbs discloses a method comprising:

capturing an image (see paragraph 31) with a device (digital camera 3);
detecting an image parameter (location data; see *id.*) related to the image;
storing the image parameter such that the image parameter is available for access at a later time (see *id.*); and
displaying the image in a display location based on the image parameter (see paragraph 32).

Regarding **claim 8**, Squibbs discloses:

the image is one frame in a video sequence (the recordings can take the form of video recordings; see paragraph 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Imagawa (U.S. Patent No. 6,657,666).

Claims 11 and 23 may be treated like claims 1 and 14, respectively. However, Ota is silent with regard to capturing an angle of view of the image.

Imagawa discloses an image information recording device, wherein the image information recorded with the image is an angle of view of the image (i.e., GPS data, including the *direction* of the captured subject, is acquired; see column 5, lines 54-58, and column 6, lines 11-26).

As stated in column 6, lines 11-26, an advantage of detecting and recording the angle of view of an image is that the captured object can be determined. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ota's imaging system capture the angle of view of the recorded image.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Kanamori (U.S. Patent Application Publication No. 2001/0026263).

Claim 18 may be treated like claim 14. However, Ota is silent with regard to displaying the first display location on a first display device and the second display location on a second display device.

Kanamori discloses an imaging apparatus, wherein:

the first display location (an image captured with at a first moment of time) is shown on a first display device (LCD monitor 102 in Figure 35A; see paragraph 208) and the second display location (an image captured at a later moment of time) is shown on a second display device (image 640 on LCD part 360 in Figure 35B; see *id.*).

As stated in paragraph 208, an advantage of displaying a first captured image on a first display device and a different image on a second display device is that an image can be viewed

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on a large screen while simultaneously allowing an operator to preview images captured before and after that image. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ota's system include first and second display devices.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Seaman (U.S. Patent Application Publication No. 2003/0030733).

Claim 30 may be treated like claim 25. However, Ota is silent with regard to the storage module storing a synchronization program.

Seaman discloses an imaging system, including:

a storage module (not shown, but associated with the input/output device 140 in Figure 1, such as a digital camera 240; see paragraphs 20 and 26) is configured to store a synchronization program (see paragraphs 26-27).

As stated in paragraph 4 and 6, an advantage of using a synchronization program is that media data sets can quickly and easily be updated, saving time and labor. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Ota's system include a synchronization program.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

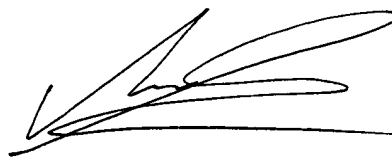
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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